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4 HARVEY BLIGHT,
5 Plaintiff,

6 v.
7

8 STATE OF CALIFORNIA, et al.,
9 Defendants.
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11 Case No. [15-cv-03031-KAW](#)
12

13 **ORDER GRANTING APPLICATION
TO PROCEED IN FORMA PAUPERIS;
ORDER DISMISSING COMPLAINT
WITH LEAVE TO AMEND**

14 Re: Dkt. Nos. 1, 2, 6, 7
15

16 The Court has received Plaintiff's complaint and application to proceed *in forma pauperis*,
17 both filed in this Court on June 30, 2015. The Court may authorize a plaintiff to file an action in
18 federal court without prepayment of fees or security if the plaintiff submits an affidavit showing
19 that he or she is unable to pay such fees or give security therefor. 28 U.S.C. § 1915(a). Since
20 Plaintiff appears to meet the requirements for IFP status, his request is GRANTED.

21 The *in forma pauperis* statute also provides that the Court shall dismiss the case if at any
22 time the Court determines that the allegation of poverty is untrue, or that the action (1) is frivolous
23 or malicious, (2) fails to state a claim on which relief may be granted; or (3) seeks monetary relief
24 against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

25 It is impossible to discern from Plaintiff's complaint any of the essential details of the
26 events that triggered this lawsuit, or the legal theories under which he seeks relief. Plaintiff has
27 failed to set forth "a short and plain statement of the claim showing that the pleader is entitled to
28 relief" as required by Rule 8 of the Federal Rules of Civil Procedure. Accordingly, pursuant to its
authority under 28 U.S.C. § 1915(e)(2), the Court hereby dismisses Plaintiff's complaint with
leave to amend. Plaintiff shall file an amended complaint no later than **August 7, 2015** or the case
may be dismissed with prejudice.

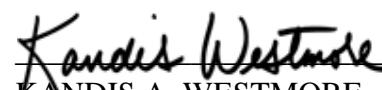
United States District Court
Northern District of California

1 Furthermore, based on subsequent filings—including two separate documents partially
2 captioned as a “notice of appeal”—it appears that Plaintiff is attempting to appeal rulings in a
3 state court case. (Dkt. Nos. 6 & 7.) If that is true, the district court lacks subject matter
4 jurisdiction pursuant to the *Rooker-Feldman* doctrine.¹ The *Rooker-Feldman* doctrine “bars a
5 district court from exercising jurisdiction not only over an action explicitly styled as a direct
6 appeal,” but also “the de facto equivalent of such an appeal.” *Noel v. Hall*, 341 F.3d 1148, 1155
7 (9th Cir. 2003). To determine whether an action functions as a de facto appeal, we “pay close
8 attention to the relief sought by the federal court plaintiff.” *Bianchi v. Rylaarsdam*, 334 F.3d 895,
9 900 (9th Cir. 2003) (internal quotation marks and citation omitted). An action functions as a
10 forbidden de facto appeal when the plaintiff is: “[1] assert[ing] as his injury legal errors by the
11 state court and [2] see[ing] as his remedy relief from the state court judgment.” *Kougasian v.*
12 *TMSL, Inc.*, 359 F.3d 1136, 1140 (9th Cir. 2004) (citing *Noel*, 341 F.3d at 1163). Instead of
13 seeking relief in federal district court, Plaintiff’s only recourse for relief from a state court ruling
14 or judgment is to appeal to the California Courts of Appeal.

15 Accordingly, if Plaintiff’s complaint seeks to appeal a state court ruling, it is likely barred
16 by the *Rooker-Feldman* doctrine, and he should not amend his complaint. If not, Plaintiff shall
17 file an amended complaint no later than **August 7, 2015**.

18 IT IS SO ORDERED.

19 Dated: July 20, 2015

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21 KANDIS A. WESTMORE
United States Magistrate Judge

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27 ¹ The *Rooker-Feldman* doctrine derives its name from two United States Supreme Court cases:
28 *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983), and *Rooker v. Fidelity
Trust Company*, 263 U.S. 413 (1923).